

EL MIRAGE MUNICIPAL COURT -- CRIMINAL RIGHTS FORM

This form explains your legal rights when you are charged with a crime. Read BOTH sides and fill in the information on the bottom of the other side. If you have any questions, ask the court staff or the judge.

STEP ONE: "ARRAIGNMENT" -- YOUR FIRST TIME IN COURT

Your first appearance in court is called the "Arraignment." The purpose of your first appearance is to make sure you have personal knowledge of the charges against you and to tell you about your rights. You must also enter a "PLEA" to the charges. Criminal charges in city court are MISDEMEANORS, not Felonies. Your appearance in court is NOT the trial. The Court does not know the facts. This is NOT the time to expect the judge to hear your side of the evidence to get your case dismissed. **Even though it means coming back to court at least once more, normally it is best to plead "not guilty" at your first appearance to leave your options open.**

STEP TWO: YOUR LEGAL RIGHTS WHEN YOU ARE CHARGED WITH A CRIME

When you are charged with a crime, you have the right: (a) to a trial before a judge, or in certain cases, a trial by jury; (b) to the assistance of an attorney at all stages of the case including an appeal, and, if eligible, to a court-appointed attorney; (c) to confront witnesses against you and cross-examine them as to the truth of their statements; (d) to present evidence on your behalf and subpoena witnesses at no expense to you; (e) to remain silent, not incriminate yourself, and to be presumed innocent until proven guilty beyond a reasonable doubt; (f) and the right to direct appeal.

STEP THREE: ENTERING A PLEA TO THE CHARGES AGAINST YOU

At your first appearance, you can enter one of the following three pleas: (1) "Not Guilty," (2) "Guilty" or "Guilty with an explanation," or (3) "No Contest." Here is what those pleas mean:

1. NOT GUILTY -- If you plead "not guilty", the next step is to set your case for a "pretrial disposition conference" (PDC). The PDC is set about 30 days after arraignment and is a meeting with the prosecutor to discuss your case. At this "PDC" you can learn about the charges, about your right to a lawyer, including a court-appointed lawyer, and have a chance to "plea bargain." If you resolve your case with a plea bargain you will then go back in front of the judge to have the agreement reviewed. If you cannot resolve your case with the prosecutor, you may continue your pretrial to allow you time to work on your case, or you can ask to set your case for trial and let the court, or jury, decide guilt or innocence.

If you are charged with DUI, Domestic Violence, or any "victim's rights" crime, you CANNOT plead guilty because the court does not have a police or victim report. Instead, a plea of not guilty is entered and you must return to court for a PDC.

2. GUILTY or GUILTY WITH AN EXPLANATION -- Pleading "guilty" or "guilty with an explanation" means you voluntarily admit to the crime and you want to be convicted without further proof of guilt. By pleading guilty or guilty with explanation, you give up all the legal rights listed above and you will have a conviction on your record. Most of the time you will receive a fine, but there may be the added potential of jail or probation depending on the nature of the charges.

3. NO CONTEST -- A plea of "no contest" means you are not admitting guilt, but you do not want to fight the charges or take your case to trial. NO CONTEST means the court enters a judgment of guilt and conviction on your record just as if you pleaded guilty.

STEP FOUR: MINIMUM TO MAXIMUM PENALTIES

Although some crimes (like DUI) have mandatory jail, for most offenses, the range of penalties is anywhere from a minimum suspended fine to the following possible maximum penalties. Look at the following chart to see what class of crime your offense may be and what the maximum penalty is:

CLASS III OFFENSE:	30 days jail, \$500, 1yr probation	Leaving the Scene, Criminal Speeding.
CLASS II OFFENSE:	120 days jail, \$750, 2yrs probation	Criminal Damage Under \$250, Reckless Driving, Fictitious Plates, Failure to Appear Warrants
CLASS I OFFENSE:	180 days jail, \$2,500, 3yrs probation (DUI probation maximum is 5yrs)	Driving on Suspended License, Theft, Shoplifting, Criminal Damage over \$250, Disorderly Conduct, Minor Driving with Alcohol in System, Possession or Consumption of Alcohol, Interference with Judicial Orders, Trespass to Residence, Drag Racing, Dog at Large, Most City Criminal Ordinances. *DUI charges have additional penalties.

If you are convicted in the future as a repeat offender, the penalties can increase and even include prison time for repeat Class I offenses. In addition to the above penalties, there can be jail fees for each day of jail and/or MVD points on your license. MVD can re-suspend your license on certain suspended license convictions.

STEP FIVE: PAYMENT OF FINES AND SEPARATE FEES FOR CLASSES OR COUNSELING

Fines are due and payable by cash, money order, credit card, or debit card on the day of sentencing. If you posted a cash bond, your bond may be used to pay any fine. If you are not able to pay your fine at time of sentencing, you may be allowed additional time to pay, however, a mandatory \$20 surcharge is added for time deferral. You may also be required to provide a financial statement or the court may run a credit report to decide eligibility for a time deferral. If your sentence requires you to attend classes or counseling, there will be separate fee payable to the provider that is in addition to your fine to the court.

STEP SIX: COMPLYING WITH ALL ORDERS

Paying your fine and completing all requirements is your responsibility. **IF YOU FAIL TO APPEAR FOR ANY COURT MATTERS, PAY YOUR FINE ON TIME, OR COMPLETE YOUR CLASSES, AN ARREST WARRANT AND ADDITIONAL FEES MAY BE ASSESSED WITHOUT FURTHER NOTICE TO YOU. IF YOU ARE HAVING TROUBLE WITH A DEADLINE, YOUR REMEDY IS TO COME TO COURT AND SEE THE JUDGE IN PERSON BEFORE THE DEADLINE PASSES. IF YOU GET ARRESTED, IT IS TOO LATE.**

STEP SEVEN: SETTING ASIDE THE JUDGMENT OF GUILT

For certain crimes, you have the right to petition to have the judgment of guilt set aside and the case dismissed. Granting the petition is not automatic, it is at the court's discretion. Normally, to qualify, you must have paid all your fines, complied with all conditions of your sentence, and have remained a law-abiding citizen for six additional months after completing your sentence. The petition form may be obtained from the clerk's office. "Setting aside the judgment of guilt" does NOT mean that your case has been expunged or erased from the court record. The file shows you were charged, convicted, and that the court set aside the judgment of guilt. The "set aside" conviction could still be used against you as to future crimes.

If you understand this information, please *PRINT* your name and address. Pursuant to applicable public record laws, the information about your case and this information may be entered in the state data system or the public internet.

YOUR
NAME _____ SOC SEC.# _____

ADDRESS AND PO BOX _____ APT # _____

CITY, STATE, ZIP _____ Tel.() _____

YOUR BIRTH DATE ____/____/____ Your Drivers License # _____

TODAY'S DATE ____/____/____